

REMARKS

Applicant thanks the Examiner for meeting with Applicant's representative on December 21, 2004 to conduct an Examiner's Interview.

Reconsideration and the timely allowance of the pending claims, in view of the following remarks, are respectfully requested.

Claims 2-12 and 17-20 are pending. Applicant is canceling claims 2-12 and 17-20. Claims 21-31 remain pending after entry of this amendment. No new matter is being introduced.

Applicant notes that the pending Office Action is Non-Final as indicated on the Office Action Summary page and that it was agreed in a telephone conversation with the Examiner on 12/20/2004 that the Conclusion section of the Office Action inadvertently stated that the Office Action was Final.

As discussed during the Examiner's Interview and indicated on the Interview Summary dated 21 December 2004, Applicant is including more detail structure relating to the resilient thumb structure. New independent claim 21 has been drafted by adding detail to the "elongated handle" and "resilient thumb contact structure" elements to originally filed independent claim 2. Other amendments to the claim have been added to incorporate the added detail to the elongated handle and resilient thumb contact structure elements.

More specifically, the elongated handle element has been separated into two elements, a first elongated handle and a second elongated handle. Each of the first and second handles have been defined to have an "inside edge" and "an indentation extending to the inside edge." The first and second elongated handles are "connected along the

inside edges” and “the indentations of said first and second elongated handles being aligned and defining a cavity when the inside edges are connected. Further, the resilient thumb contact structure has been additionally amended to be “configured to be inserted into the cavity defined by the indentations of the first and second elongated handles.”

As discussed during the Examiner’s Interview, none of the references of record, alone or in combination, teach or suggest two elongated handles each having an indentation extending to an inside edge and “defining a cavity when the inside edges are connected.” While it is recognized that resilient thumb contact structures have been utilized on conventional, single handled toothbrushes (e.g., Lamond et al. (U.S. Patent 5,875,510), FIG. 1, element 20), none of the art of record provides for a thumb structure that is located on a double handled toothbrush. As further discussed during the interview, a combination of the art of record would result in each of the handles having a resilient thumb structure in each elongated handle and not spanning across the inside edge of both elongated handles. As none of the art of record provides motivation to include a cavity defined by indentations in each of the elongated handles or teach one skilled in the art to produce a substantially different resilient thumb structure configuration, such a combination of the art of record would be improper.

Dependent claims 23 recites “indentations of said first and second elongated handles include a plurality of different geometric shapes, thereby defining the cavity to have multiple geometric dimensions.” Having a *cavity* with multiple geometric dimensions is neither taught nor suggested in the art of record. Claim 24, which depends from claim 24, further recites that the “resilient thumb contact structure includes multiple

BRICE -- Appln. No.: 09/596,081

geometric shapes to engage the different geometric dimensions of the cavity.” Again, none of the art of record teaches or suggests such a resilient thumb contact structure.

Claim 25, which depends from claim 21, recites that “said first and second elongated handles are connected from the respective second ends to about said resilient thumb contact structure.” Support for claim 25 is shown in FIG. 1 by a protrusion extending from left handle (L) near the resilient thumb contact structure, which clearly indicates that a connection of the left and right handles may extend from the end of the handles to about the resilient thumb contact structure.

Accordingly, the claims are believed to be in form for allowance, and such an action is hereby requested. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, please telephone the undersigned at the number below.

Respectfully submitted,

PATTON BOGGS LLP

By 

Joseph V. Colaianni

Reg. No.: 20,019

Tel. No.: (202) 457-6174

Fax No.: (202) 457-6315

2550 M Street, N.W.
Washington, D.C. 20037
(202) 457-6000